REMARKS

Applicant appreciates the withdrawal of the previous finality of the rejections and the citation of a new combination of references. Applicant has carefully examined the cited references, and has amended independent Claims 4 and 16 and many of the dependent claims to further clarify their patentable distinctions over the cited references. Reconsideration and allowance of the pending claims is requested in view of the following remarks.

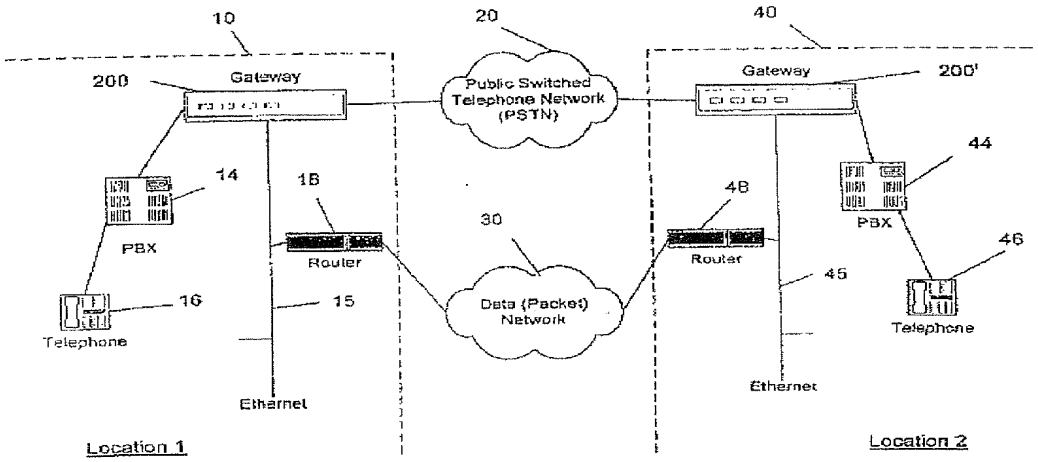
Amended Independent Claim 4 is Patentable Over Thornton in view of Lin

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,665,293 to Thornton et al. ("Thornton") in view of U.S. Published Application 2004/0240430 to Lin et al. ("Lin").

In response to the conclusion on page 3 of the Office Action that "any telephone that [is] connected to a phone reads on a phone network interface," Claim 4 has been amended to emphasize that the phone network interface "is separate from a local access phone provider and from a local access Internet provider". Claim 4 has been further amended to emphasize that the analog signal of the phone call received from the phone is selectively: 1) routed as the analog signal through an analog phone line for communication to the local access phone provider and across a public switched telephone network (PSTN); or 2) the analog signal from the phone is converted to a digital Voice-Over-Internet-Protocol (VoIP) phone call signal and routed to a broadband network modem device for communication to the local access Internet provider and across a packet switched network.

Thornton shows in FIG. 1, below, and describes relative thereto that the telephone 16 is connected to a local access phone provider that includes private branch exchanges (PBX) 14 and 44, PSTN 20, a data (packet) network 30, and gateways 200 and 200'.

FIG. 1 of Thornton



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The PBX 14 performs incoming call termination (terminating an analog incoming call and generating a digital outgoing call) from telephone 16 and outgoing line selection through the gateway 200 to a central office for tens, hundreds or thousands of telephones (one of which is shown as 16). (Thornton, Col. 10, lines 5-30). The gateway 200 is "situated between PBX 14 and the PSTN". (Thornton, Col. 10, lines 52-58). Accordingly, as shown in FIG. 1, the gateway 200 interconnects the PBX 14 network with the PSTN 20 and data network 30. This is consistent with the definition provided by Microsoft Press Computer Dictionary, Third Edition, for the phrase "gateway" as "a device that connects networks using different communications protocols so that information can be passed from one to the other." Consequently, the PBX 14, the gateways 200 and 200', and the routers 18 and 48 are located ***within the local access phone provider, not separate therefrom***.

Thornton further describes that the PBX 14 terminates the call from the phone 16 and generates therefrom a digital signal that is communicated to the gateway 200. and, consequently, the gateway 200 routes a ***digitized*** phone call from the PBX 14 to the PSTN 20. More particularly, Thornton describes the PBX 14 as follows:

> PBX 14 would select an outgoing telephone line to a central office switch (for a relatively large PBX, this amounts to selecting an available time slot in an outgoing, e.g., T1 trunk).
> (Thornton, Col. 10, lines 28-31, emphasis added).

Accordingly, the PBX 14 converts **all** analog phone signals into digital signals that are communicated via slots within a digital time multiplexed protocol for a T1 trunk. The PBX 14 does **not** selectively choose between carrying out that conversion and not carrying out that conversion based on the called telephone number.

Thornton describes that the gateway 200 selectively routes a phone call through the PSTN 20 or as a VoIP call through the data network 30. (Thornton, Col. 6, lines 63-67). However, the gateway 200 selectively routes only ***digital*** phone call signals received from the PBX 14 based on the called number. The gateway 200 does not selectively choose between converting and not converting an analog phone call signal to a digital VoIP phone call signal and routing that signal to a broadband network modem device based on the called telephone number.

Consequently, neither the PBX 14 nor the gateway 200 responds to a called number by selectively carrying out 1) routing an analog phone call signal from a phone **through an analog phone line for** communication to **a local access phone provider**, **or 2)** converting the analog phone call signal to a digital VoIP phone call signal which it routes to a broadband network modem device **for communication to a local access Internet provider** and across a packet switched network.

The Office Action on page 5 cites Lin only for its general description of a cable modem and a DSL modem.

Consequently, Applicant submits that Thornton and Lin do not disclose at least the recitations of amended Claim 4 of a phone network interface, which is separate from a local access phone provider and from a local access Internet provider, that responds to a called number to which a phone call is directed by selectively carrying out: 1) routing the analog signal of the phone call through an analog phone line for communication to the local access phone provider; or 2) converting the analog signal from the phone to a digital VoIP phone call signal which it routes to a broadband network modem device for communication to the local access Internet provider and across a packet switched network.

Applicant therefore submits that amended Claim 4 is patentable over Thornton in view of Lin. Reconsideration and allowance of amended Claim 4 is requested.

The dependent Claims 2, 3, 5-12, 14, and 15 are patentable per the patentability of independent Claim 4 from which they depend.

Independent Claim 16 is Patentable Over Thornton in view of Vortman and Lin

Claim 16 stands rejected under 35 U.S.C. §103(a) as unpatentable over Thornton in view of U.S. Published Application 2003/0002479 to Vortman et al. ("Vortman") and further in view of Lin.

Amended Claim 16 now recites (emphasis added):

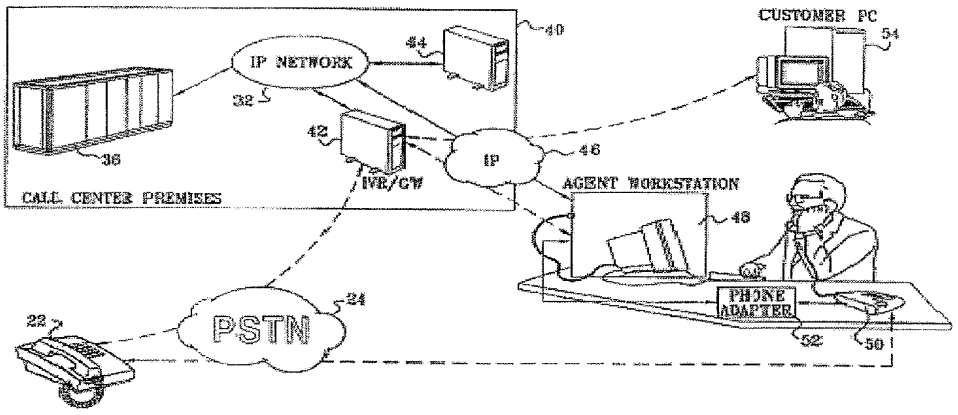
> 16. A phone adapter comprising:
> a phone interface that is configured to be communicatively connected to a phone via an analog phone line;
> a PSTN interface that is configured to be communicatively connected to a public switched telephone network (PSTN) via an analog phone line, wherein the PSTN interface is separate from a local access phone provider;
> an Internet interface that is configured to be communicatively connected to a broadband network interface device that can be communicatively connected to the Internet, wherein the Internet interface is separate from a local access Internet provider; and
> a controller that is configured to selectively: 1) route an analog phone call signal, which is received through the phone interface from a phone, through the PSTN interface and an analog phone line to the local access phone provider or 2) convert the analog phone call signal to a digital Voice-Over-Internet-Protocol (VoIP) phone call signal and route the digital VoIP phone call signal through the Internet interface to the broadband network interface device to the local access Internet provider for communication across a packet switched network based on a called number to which the phone call is directed.

Amended Claim 16 includes similar recitations to amended Claim 4 and is submitted to be patentable over Thornton in view of Vortman and Lin for at least the reasons explained above for amended Claim 4. Moreover, amended Claim 16 provides further bases for patentability over Thornton, Vortman, and Lin. In amended Claim 16, the controller receives the analog phone call signal from a phone *through the phone interface* and selective routes that analog phone call signal *through the PSTN interface, which is separate from a local access phone provider, via an analog phone call line* to the local access phone provider, or converts the analog phone call signal into a digital VoIP phone call signal which it routes *through the Internet*

interface, which is separate from a local access Internet provider, to the broadband network interface device to the local access Internet provider.

The Office Action concedes on page 7 that Thornton does not disclose these recitations of Claim 16, but then cites the phone adapter 52 of Vortman. The phone adapter 52 of Vortman functions as a simple switch that selectively connects a smartphone 92 within a workstation 48 to a phone line 70 or connects a POTS phone 50 to a phone line 70. Vortman describes in paragraph 9 regarding FIG. 2 (below), that a "routing server in the call center" within the call center premises 40 of a local access phone provider can route calls between the PSTN and the Internet.

FIG. 2 of Vortman



Again, Vortman describes that the selective routing of phone calls between the PSTN and the Internet is carried out at a "routing server in the call center" within the call center premises 40 of a local access phone provider. Nowhere does Vortman describe or suggest that the phone adapter 52 or any other component selectively: 1) routes an analog phone call signal through a PSTN interface via an analog phone call line to a separate local access phone provider; or 2) converts the analog phone call signal into a digital VoIP phone call signal which it routes through an Internet interface to a broadband network interface device to a separate local access Internet provider. Consequently, Vortman does not disclose the above recitations of Claim 16 that are missing from Thornton and Lin.

Applicant therefore submits that amended Claim 16 is patentable over Thornton in view of Vortman and further in view of Lin. Reconsideration and allowance of amended Claim 16 is requested.

The dependent Claims 14, 15, 17, and 18 are patentable per the patentability of independent Claim 16 from which they depend.

CONCLUSION

In light of the above amendments and explanations, Applicant submits that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 9, 2007.

Susan E. Freedman

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Date of Signature: October 9, 2007